CASE NO. C-84-270

PETITION FOR ZONING VARIANCE 34-215-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 415A.1 to permit 2 recreational vehicles instead of the allowed one and to permit one vehicle (boat) o be located 10 ft. in front of the front building line instead of the required 8 ft. to the rear of the front building line.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Two recreational vehicles were legally parked here when I bought this property in 1960. I have kept two here since 1963. No complaints have been made until now, and this complaint was made by a person residing elsewhere.

Finding a safe, suitable location for either vehicle presents practical difficulties in this neighborhood. My property has over 100 feet of paved driveway 16' wide which is suitable for this purpose. Both vehicles are used together, and often. Storing them apart would require finding a large building to rent at some distance away which would cause a financial hardship.

Property is to be noted and advertised as appropriated by Zaving Parallelance. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s): Hugo J. Nyborg (Type or Frint Name) (Type or Print Name) (Type or Print Name) Dora Rybna Money for Petitioner: 6414 Kenwood Avenue 686-1494 Type or Print Name) Baltimore, Maryland 21237 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of December 19.83, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore winty, in two newspapers of general circulation throughout Baltimore County, that property be posterand that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of February, 1984, at 10:00 o'clock

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 16, 1984

RE: Item No. 157 - Case No. 84-215-A Petitioners - Hugo J. Nyborg, et ux Variance Petition

111 W. Chesapeake Ave. Towson, Maryland 2120 Mr. & Mrs. Hugo J. Nyborg 6414 Kenwood Avenue

COUNTY OFFICE BLDG.

Baltimore, Maryland 21237 Nicholas B. Commodari Chairman

А. м.

MEMBERS Bureau of

State Roads Commissio Sureau of Fire Prevention Hesith Department Project Planning Building Department Soard of Education

Department of Traffic Engineering

Zoning Administration

Dear Mr. & Mrs. Nyborg: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours, NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC:bsc Enclosures

Pursuant to the advertisement, posting of property, and public hearing on the Petition and It appearing that strict compliance with the Saltimore County Zoning Regula', as would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this -

____, 19_____, that the herein Petition for Variance(s) to permit

RE: PETITION FOR VARIANCES N/S Kenwood Ave., 60' W of the Centerline of Allison Lane, (6414 Kenwood Ave.), 14th District

> HUGO J. NYBORG, et ux, Petitioners

> > :::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 84-215-A

Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 7th day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Hugo J. Nyborg, 6414 Kenwood Avenue, Baltimore, MD 21237, Petitioners.

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS DIRECTOR

February 9, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 151, 152, 153, 154, 155, 156, and 157 ZAC-Meeting of December 27,1983 Property Owner: Location: Existing Zoning: Proposed Zoning:

Acres: District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 151, 152, 153, 154, 155, 156, and 157.

Traffic Engineering Assoc. I

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner TO Office of Planning and Zoning

February 13, 1984

. SURJECT Zoning Variance Items
Meeting - December 27, 1983

FROM Ian J. Forrest

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health

hazarus at this time regarding these items. Item # 151 - Edrich Farms, Inc.

Item # 152 - Frank W. Thompson, III, et ux

Item # 154 - Jack Bircher, et ux

Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

February 16, 1984

Re: Item #157 (1983-1984)

District: 14th

ROBERT A. MORTON, P.E., Chief

Bureau of Public Services

Allison La.

The following comments are furnished in regard to the plat submitted to this

office for review by the Zoning Advisory Committee in connection with the subject

Kenwood Avenue, an existing public road, is proposed to be further improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 157 (1983-1984).

Property Owner: Hugo J. Nyborg, et ux N/S Kenwood Ave. 60° W. from centerline

Acres: 59.10/59.0 X 186/196.5

HARRY J. PISTEL, P. E. DIRECTOR

Mr. Arnold Jablon

Dear Mr. Jablon:

General:

RAM: EAM: FWR:ss

I-NW Key Sheet

NE 4 F Topo

27 Tax Map

15 NE 22 Pos. Sheet

Zoning Commissioner

County Office Building

Towson, Maryland 21204

PAUL H. REINCKE

February 14, 1984

Mr. William Hammond Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Hugo J. Nyborg, et ux

() 3. The vehicle dead end condition shown at

Location: N/S Kenwood Avenue 60' W. from c/l Allison Lane

Item No.: 157 Zoning Agenda: Meeting of 12/27/83

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Cut Joy Kelly 2-15-84 Approved & Logge Millegond Fire Presention Bureau Planning Group Special Inspection Division

tion, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of March, 1984, that the Petition for Variances to permit two recreational vehicles instead of the allowed one and one of those vehicles to be located ten feet in front of the lateral projection of the front foundation line instead of the required eight feet to the rear of same be and is hereby GRANTED, from and after the date of this Order, subject to the following restrictions:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > - 3 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO_Nicholas Commoderi. Zoning lepartment Date_January 18, 1984

No Comment

FROM C. E. Burnham, Chief. Plana Review C20

SUBJECT Zoning Advisory Committee Meeting December 27, 1983

Item #151 See Comments Item #152 See Comments Item #153 See Comments Item #154 Standard Comment Item #155 Standard Co. 1 Item #156 See Comments

Item #157

ZONING DESCRIPTION

1. North 56 degrees 30 minutes East 1961

3. South 56 degrees 30 minutes West 186'

4. South 27 degrees 46 minutes East 59'10"

Located on the north side of Kenwood Avenue approx. 60' west of the centerline of Allison Lane and running the following courses and distances.

2. North 47 degrees 15 minutes West 60.54'

Also known as 6414 Kenwood Avenue.

IN RE: PUTITION ZONING VARIANCES BEFORE THE N/S of Kenwood Avenue, 60° W of the centerline of Allison ZONING COMMISSIONER Lane (6414 Menwood Avenue) -14th Election District OF BALTIMORE COUNTY Hugo J. Nyborg, et ux, Case No. 84-215-A

> Petitioners #

The Petitioners herein request variances to permit two recreational vehicles to be located on the subject property instead of the permitted one and one of those vehicles to be located ten feet in front of the lateral projection of the front foundation line of the dwelling instead of the required eight feet to the rear of same, as more fully described on Petitioners' Exhibit 1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the Petitioners have owned and lived on the instant property since 1960 and have always parked their recreational vehicles on the property. The lot is 59' x 186', more or less, with the house situated approximately 58 feet from the front property line. There is a walkway screened with shrubbery immediately adjoining the front property line. Behind the shrubbery and in front of the house are evergreen trees. There is a driveway to the left which extends approximately 100 feet to a 21' x 21' garage at the rear of the reperty which is being used for storage and as a workshop. The garage is approximately 18 feet from the house. The Patitioners own a 25' x 8' motorhome which they park in front of the garage and to the side and rear of the home in compliance with the Baltimore County Zoning Regulations (BCZR). They also own a 21' x boat which they must park to the front and side of the home, extending ten fet to the front. The Petitioners cannot park either vehicle in the garage because it is too small. Additionally, neither vehicle could clear the overhang of the garage.

PETITION FOR VARIANCES

of Allison Lane (6414 Kenwood Avenue)

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act

Petition for Variances to permit 2 recreational vehicles instead

of the allowed one and to permit one vehicle (boat) to be located

10 ft. in front of the front building line instead of the required

Being the property of Hugo J. Nyborg, et ux, as shown on plat plan filed with

the thirty (30) day appeal period. The Zoning Commissioner will, however,

In the event that this Petition is granted, a building permit may be issued within

entertain any request for a stay of the issuance of said permit during this period

for good cause shown. Such request must be received in writing by the date of the

BY ORDER OF ARNOLD JABLON

ZONING COMMISSIONER OF BALTIMORE COUNTY

Avenue, Towson, Maryland

and Regulations of Baltimore County, will hold a public hearing:

8 ft. to the rear of the front building line

Wednesday, February 29, 1984 at 10:00 A.M.

North side Kenwood Avenue, 60 ft. West of the centerline

14th Election District

Petition for Variances

There is also sufficient shrubbery and trees to screen the vehicles from view and to afford the community the protection as intended by the BCZR.

The Petitioners presented two petitions, Petitioners' Exhibits 2 and 3, which purport to support their request for variances. The petitions support their contention that many people in the community also own recreational vehicles, many of which are probably in violation of the BCZR.

The Petitioners seek relief from Section 415A.1, pursuant to Section 307,

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

> 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

inderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). is clear from the testimony that if the variances were granted, such use as promosed would not be contrary to the spirit of the BCZR and would not result

substantial detriment to the public good. er due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the

instant variances were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the and due to the special conditions unique to this particular parcel. In addi-

- 2 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING

TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER

February 21, 1984

Mr. & Mrs. Hugo J. Nyborg 6414 Kenwood Avenue Baltimore, Maryland 21237

> Ret Petition for Variances N/S Kenwood Ave., 60' W of the c/1 of Allison Lane (6414 Kenwood Avenue) Hugo J. Nyborg, et ux - Petitioners Case No. 84-215-A

Dear Mr. & Mrs. Nyborg:

This is to advise you that \$45.58 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable 3 Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

FROM: Hugo J. Nyborg ron: Advertising & Posting Case #84-215-A

ZONING:

LOCATION:

DATE & TIME:

the Zoning Department.

hearing set above or made at the hearing.

/tlst.

8 019 4558 tb 6294A

Baltimore, Maryland 21237 NOTICE OF HEARING Re: Petition for Variances N/S Kenwood Ave., 60' W of the c/l of Allison Lane (6414 Kenwood Avenue) Hugo J. Nyborg, et ux - Petitioners Case No. 84-215-A TIME: 10:00 A.M. DATE: Wednesday, February 29, 1984 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland Zoning Compassioner of Baltimore County No. 124014 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT R-01-615-000 C 055-----35001b #165.

Mr. & Mrs. Hugo J. Nyborg

6414 Kenwood Avenue

Jenuary 1984

Mr. & Mrs. Hugo J. Nyborg 6414 Kenwood Avenue Baltimore, Maryland 21237 IN RE: Petition Zoning Variances N/S of Kenwood Avenue, 60' W of the centerline of Allison Lane (6414 Kenwood Avenue) - 14th Election District Hugo J. Nyborg, et ux. Petitioners Case No. 84-215-A Dear Mr. & Mrs. Nyborg: I have this date passed my Order in the above-referenced matter in accordance withthe attached. Zoning Commissioner AJ/srl Attachments cc: People's Counsel

We the undersigned, being neighbors of Hugo and Dora Nyborg and residents of the Rosedale area of Baltimore County, adjacent to and generally encompassing the property located at 6414 Kenwood Averue, attest that the recreational vehicles parked thereon do not constitute a nuisance or hazardous condition and do not interfere with our occupancy, use or enjoyment of our

Inasmuch as the residents of 6414 Kenwood Avenue have maintained similar vehicles for many years and would suffer undue hardship to keep their vehicles other than at home on their own property, we petition the Baltimore County Zoning Board to grant approval for Hugo and Dora Nyborg's request for a variance to allow two recreational vehicles to be parked at 6414 Kenwood Avenue, one of which will extend beyond the front of the residence.

6410 KERWOOD ALE. 6408 Kenwood due. 6411 Honord ave. 6418 KENWOODAVE 8502 DAYTONA Rd 6508 Kenwood are. Ca R Hagen Jackee Brooks 6510 KEHWOOD AVE. Bactora Ni Vasquale 6510 Kenwood ave

We the undersigned, being neighbors of Hugo and Dora Nyborg and residents of the Rosedale area of Baltimore County, adjacent to and generally encompassing the property located at 6414 Kenwood Avenue, attest that the recreational vehicles parked thereon do not constitute a nuisance or hazardous condition and do not interfere with our occupancy, use or enjoyment of our properties.

Inasmuch as the residents of 6414 Kenwood Avenue have maintained similar vehicles for many years and would suffer undue hardship to keep their vehicles other than at home on their own property, we petition the Baltimore County Zoning Board to grant approval for Hugo and Dora Nyborg's request for a variance to allow two recreational vehicles to be parked at 6414 Kenwood Avenue, one of which will extend beyond the front of the residence.

6509 Kenwood aul 21237 Blanche Hash
6507 / Kenwood ave 21237
Euclys Rosch
6509 Kenwood ave 21237
850/ Senwood ave 21237
850/ Senwood ave 21237
4503-Kenwood 21237
Mis Belit Jacine
6416 Kenwood ave 2123/
Mi Juh R. Wingar
5312 East an 21206 Lowell L. Hosk

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon Date February 16, 1984 TO Zoning Commissioner Norman E. Gerber, Director FROM Office of Planning and Zoning

SUBJECT Hugo J. Nyborg, et ux - 84-215-A

There are no comprehensive planning factors requiring comment on this petition.

Office of Planning and Zoning

NEG/JGH/sf

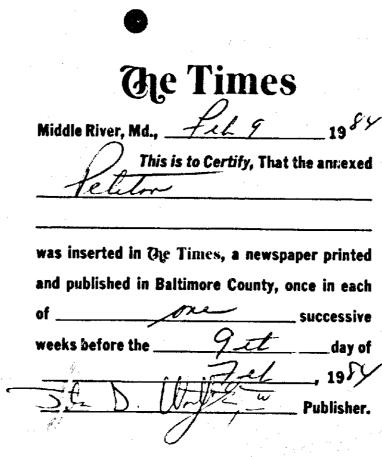
Mr. & Mrs. Hugo J. Nyborg 6414 Kenwood Avenue Baltimore, Md. 21237 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 27th day of December 1983 Zoning Commissioner Petitioner Hugo J. Nyborg, et ux Received byx Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

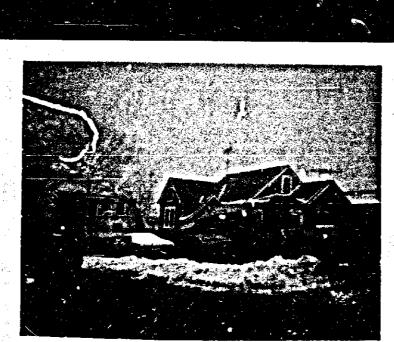
CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY alleron

84-215-A

Petition F HATH ELECTION ZONING: Petition f Variance LOCATION: North side Kenwood Avenue, 60 ft. West of the centerline of Allison Lane (6414 Kenwood Avenuel TIME: DATE & TIME: Wednesday, Feb. 29, 1984 at 10:00 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesspeaks Avenue, Towson,
Maryland
The Zoning Commissioner of Baltimere County, by authority of the Zoning Act and Regulawill hold a public hearing: permit 2 recreational vehi-cles instead of the allowed · one and to permit one vehicle (boat) to be located 10 building line instead of the required # ft. to the rear of the front building line. 🖫

Hugo J. Nyborg, et ux, as shown on plat plan filed with the Zoning Departing permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, how-Zoning Commissions





84-215-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 9, 19 84 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., xoncerince ach of one time___xucrassive oursels before the __29th____ day of _____February___, 19_81__, the first publication appearing on the 9th ____ day of ____ February

Leank Surestan

Cost of Advertisement, \$ 20.00

ZONING: Petition for Variances
LOCATION: North side Kenwood
Avenue, 60 ft .West of the centerline of Allison Lane (&Id Kenwood Avenue)
DATE & TIME: Wednesday, Pebrusry 20, 1894 at 10:00 A.M.
PUBLIC HEARING.

The Soning Commissioner of Bal-timere County, by authority of the Soning Act and Progulations of Bal-timore County, will hold a public hearing.

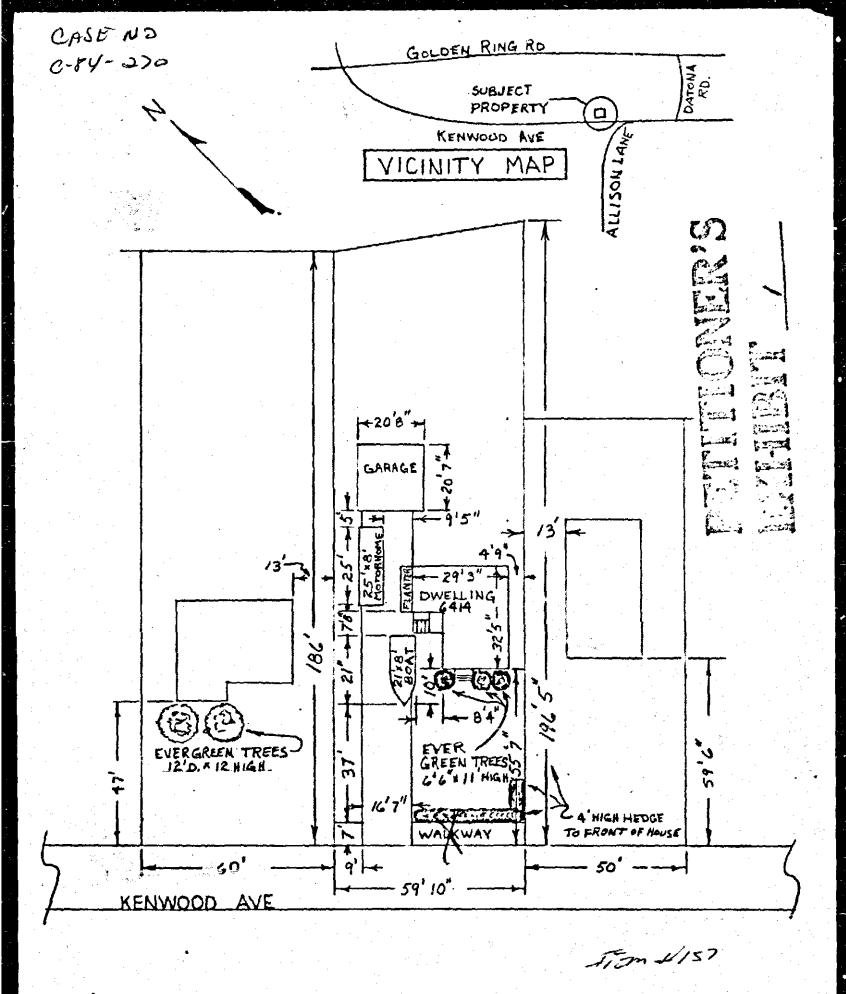
Petition for Variance to permit 2 recreational vehicles instead of the allowed one and to permit one vehicle (host) to be located 10 ft. in front of the front building line instead of the required 2 ft. to the rear of the front building line.

Being the property of Hugo J. Nyborg, et ux, as shown on plat plan filed with the Soning Department.

In the event that this Petition is granted, a building permit may be assued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of mild permit during this period for good cause shown. Such request must be received in writing by the date of the hearing, set above or made at the hearing.

By Order Of
ARNOE D JABLON,
Soning Commissiones
of Baltimore County

Pth 1



PLAT FOR ZONING VARIANCE OWNER - HUGO & DORA NYBORG SCALE : 1" = 30" 6414 KENWOOD AVE BALTIMORE MD. 21237